

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

VENKAT ET AL

US030231

Serial No. 10/565,662

Filed: January 23, 2006

Attorney Advisor: Anthony Smith

Confirmation No.: 2412

IMPROVED FILAMENT CUTOUT CIRCUIT

Honorable Commissioner for Patents
Alexandria, VA 22313-1450

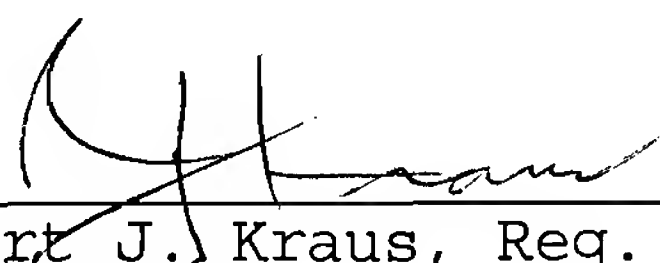
RESPONSE TO DECISION ON REQUEST FOR CORRECTION OF
INVENTORSHIP DATED 10 MAY 2007

Sir:

In response to the Decision dated 10 May 2007 in the above-identified patent application, submitted herewith is a Statement Under 37 CFR 3.73(b) identifying the Reel and Frame number at which the assignment of all inventors is recorded.

It is believed that this submission completes all requirements under 37 CFR 3.73(b) and requested that inventor Ernesto Mendoza be made of record.

Respectfully submitted,

By 
Robert J. Kraus, Reg. 26,358
Attorney
(914) 333-9634

Dated: 7-2-07

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Koninklijke Philips Electronics N.V.Application No./Patent No.: 10/565,662 Filed/Issue Date: January 23, 2006Entitled: FILAMENT CUTOOUT CIRCUIT

Koninklijke Philips Electronics N.V., a corporation
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
 (The extent (by percentage) of its ownership interest is _____%)

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 017506, Frame 0012, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

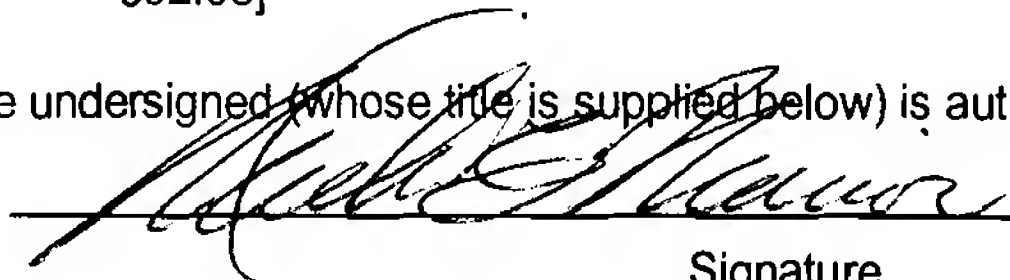
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.


 Signature

Michael E. Marion

Printed or Typed Name

Authorized Signatory

Title

6/29/07
 Date

914-333-9641

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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The information provided by you in this form will be subject to the following routine uses:

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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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10/565,662

Filament cutout circuit

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Patent Assignment Abstract of Title

Total Assignments: 1

Application #: 10565662

Filing Dt:

Patent #: NONE

PCT #: NONE

Publication #: NONE

Inventors: Rama Venkat, Patrick J. Keegan

Title: Filament cutout circuit

Assignment: 1

Reel/Frame: 017506 / 0012

Received: 02/01/2006

Recorded: 01/23/2006

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: VENKAT, RAMA

KEEGAN, PATRICK J.

MENDOZA, ERNESTO

Assignee: KONINKLIJKE PHILIPS ELECTRONICS, N.V.

GROENEWOUDSEWEG 1

EINDHOVEN, NETHERLANDS 5621 BA

Correspondent: PHILIPS ELECTRONICS NORTH AMERICA CORP.

P.O. BOX 3001

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BRIARCLIFF MANOR, NY 10510-8001

Disclaimer:

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10 MAY 2007

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AFTER SCANNING

07 MAY 14

Philips Intellectual Property & Standards
P.O. Box 3001
Briar cliff Manor, NY 10510

In re Application of
VENKAT et al.

Application No.: 10/565,666

PCT No.: PCT/IB04/51281

Int. Filing Date: 22 July 2004

Priority Date: 25 July 2003

Attorney Docket No.: US030231

For: FILAMENT CUTOUT CIRCUIT

DOCKET	DATE	INITIAL
COMPUTER	PC: MAY 14 2007	
SECRETARY	:	DECISION ON REQUEST
ATTORNEY	:	

SCANNED BY VK

This decision is issued in response to the "Response to Decision on Request for Correction of Inventorship dated 26 December 2006" filed 13 March 2007, which is being treated as a request under 37 CFR 1.497(d) to correct the inventorship of the present national stage application. The petition fee has been submitted.

BACKGROUND

On 22 July 2004, applicants filed international application PCT/IB04/51281 which claimed a priority date of 25 July 2003. The published international application identified two applicant/inventors for the United States: Rama Venkat and Patrick Keegan. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 25 January 2006.

On 23 January 2006, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a preliminary amendment; and a copy of the international application.

On 05 May 2006, the United States Designated/Elected Office mailed "Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) was required.

On 06 November 2006, applicants filed a request under 37 CFR 1.497(d) to add Ernesto Mendoza as an inventor. In a decision dated 22 December 2006, applicants petition under 37 CFR 1.497(d) was dismissed without prejudice.

On 13 March 2007, applicants filed the present renewed request under 37 CFR 1.497(d).

DISCUSSION

The present submission seeks to correct the inventorship so as to add inventor Ernesto Mendoza to the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

(1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17; and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).

(4) any new oath or declaration required by paragraph (f) of this subsection.

With respect to the adding Ernesto Mendoza to the application, applicants' previous submission satisfied requirements (1), (2) and (4).

Regarding item (3), applicants have submitted a document entitled "Consent of Assignee" which states that Koninklijke Philips Electronic N.V. hereby consents to the addition of Ernesto Mendoza to the inventorship of the above-identified application. The "Consent of Assignee" is executed by an "authorized representative" that states that he is authorized to act on behalf of the assignee. However, pursuant to 37 CFR 1.497(d)(3), the consent of the assignee must be submitted in compliance with 37 CFR 3.73(b) (see MPEP section 201.03(II)(D)). Here, the statement executed by the assignee does not comply with the requirements of 37 CFR 3.73(b)(1). Specifically, the assignee does expressly [REDACTED] at [REDACTED] or that [REDACTED] a [REDACTED] words [REDACTED]. (It is noted that "[i]f the submission under this

section is by assignee of less than the entire right, title and interest, such assignee must indicate the extent (by percentage) of its ownership interest, or the Office may refuse to accept the submission as an establishment of ownership.)

Based on the above, the present record does not satisfy all the requirements for correction of the inventorship under 37 CFR 1.497(d).

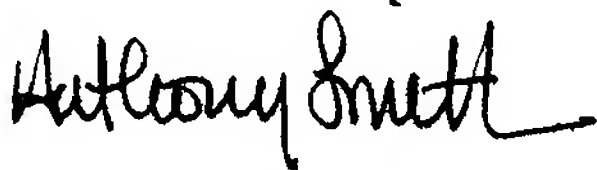
CONCLUSION

Applicants' request to add inventor Ernesto Mendoza under 37 CFR 1.497(d) is **DISMISSED** without prejudice. The inventors of record remain the inventors named on the international application.

Applicants must file a proper response to this decision within **TWO (2) MONTHS** from the mail date indicated above. A proper response must include a declaration in compliance with 37 CFR 1.497(a)-(b) and a written consent of assignee in compliance with 37 CFR 3.73(b).

Failure to file a timely and proper response will result in abandonment of the application. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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